

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JUSTIN T. BECKMAN, <i>et. al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:06-cv-384
	)	(Guyton)
WILLIAM BIVENS, in his individual, and	)	
official capacity as Sheriff of Monroe County,	)	
Tennessee, and MONROE COUNTY,	)	
TENNESSEE,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This civil action is before the Court pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 14]. This matter is currently before the Court for consideration of defendants' Motion to Dismiss for Failure to Prosecute [Doc. 51] and Memorandum in Support [Doc. 52] filed May 19, 2008. Defendants request this Court, pursuant to Fed.R.Civ.P. 37, dismiss the case of Alicia Martin with prejudice for failing to respond to their First Set of Interrogatories and Request for Production of Documents. Plaintiff Alicia Martin has not responded to defendant's motion and the time for doing so has passed. See L.R. 7.1(a), 7.2. Upon this Court's trying to schedule a show cause hearing on the pending motion, Ms. Martin's counsel, attorney Keith Edmiston, advised the Court a show cause hearing was not necessary as Ms. Martin does not oppose defendant's motion.

The Court finds defendants' Motion to Dismiss for Failure to Prosecute **[Doc. 51]** to be well-taken and is hereby **GRANTED**. This action is hereby **DISMISSED with prejudice** against Alicia Martin pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of the Court is

**DIRECTED** to amend the caption of this case to reflect that Alicia Martin is no longer a plaintiff in this case and her name is to be removed from the caption in the Court's records.

**IT IS SO ORDERED.**

**ENTER:**

s/ H. Bruce Guyton  
United States Magistrate Judge